

## SENATE JOINT RESOLUTION NO. 7

INTRODUCED BY J. BRENDEN

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA EXPRESSING OPPOSITION TO H.R. 2421.

WHEREAS, federal legislation, introduced as H.R. 2421 in the United States House of Representatives by Representative James Oberstar and known as the Clean Water Restoration Act of 2007, has been proposed to clarify which waters are subject to the jurisdiction of the United States under the Federal Water Pollution Control Act (33 U.S.C. 1251, et seq.); and

WHEREAS, this federal legislation seeks to clarify jurisdiction by striking the term "navigable waters" and replacing it with "waters of the United States", defined as "all waters subject to the ebb and flow of the tide, the territorial seas, and all interstate and intrastate waters and their tributaries, including lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, natural ponds, and all impoundments of the foregoing"; and

WHEREAS, striking the term "navigable waters" would potentially expand the federal government's reach beyond what was intended and thereby blur jurisdictional authority to manage and regulate water resources within state and local government jurisdictions; and

WHEREAS, given the ambiguity of the legislation's jurisdictional reach, the implementation of this proposal may lead to increased litigation and uncertainty among public and private stakeholders, including homeowners, farmers, water districts, and state and federal agencies, among others.

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

(1) That the 61st Legislature adamantly opposes this proposed federal legislation, introduced as H.R. 2421 in the United States House of Representatives in May 2007, and its companion proposal in the United States Senate, S. 1870, and urges Congress not to enact this or similar legislation that may be proposed in the future.

(2) That the Secretary of State send copies of this resolution to the Montana Congressional Delegation, the Majority Leader of the United States Senate, and the Speaker of the United States House of Representatives.

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